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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,249	01/21/2004	Kia Silverbrook	RRA06US	1592

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SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

EXAMINER	
FIDLER, SHELBY LEE	
ART UNIT	PAPER NUMBER
2861	
MAIL DATE	DELIVERY MODE
01/04/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/760,249	SILVERBROOK, KIA	
	Examiner	Art Unit	
	Shelby Fidler	2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 October 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 5 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 5 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/8/2007 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brugue et al. (US 68969166 B2) in view of Kobayashi et al. (US 6213600 B1) and Cruz-Uribe et al. (US 4342042).

Regarding claim 5:

Brugue et al. disclose a printer cartridge for an inkjet printer, the printer cartridge comprising:

a body (body 204) configured for user insertion in, and removal from a printer (col. 2, line 66 - col. 3, line 8);

a pagewidth printhead (printhead assembly 102; col. 3, lines 18-24) with an array of nozzles (col. 3, lines 51-55) for ejecting different printing fluids onto a media substrate (col. 2, lines 36-40), each of the nozzles being dedicated to one of the different printing fluids only (col. 5, lines 18-29);

a plurality of printing fluid reservoirs in the body for storing each of the different printing fluids separately (inherent to the disclosure of providing different colors in col. 5, lines 18-29), each of the plurality of printing fluid reservoirs being in fluid communication with the nozzles of the array that correspond to its printing fluid (col. 5, lines 18-29).

Brugue et al. do not expressly disclose that the printer cartridge comprises a refill port on the body, the refill port having a plurality of inlets, each of the inlets being in fluid communication with one of the printing fluid reservoirs only; such that,

each of the printing fluid reservoirs can be individually refilled to replace printing fluid ejected by the pagewidth printhead; wherein

each of the printing fluid reservoirs has a flexible membrane that has an expanded configuration when the printing fluid reservoir is full, and a collapsed configuration when the printing fluid reservoir is ink depleted, and during printing, the refill port is closed and disengaged from any source of refill printing fluid.

However, Kobayashi et al. disclose a printer cartridge (color ink cartridge 44) comprising a refill port (lid 69) a body of the cartridge (Fig. 3B), the refill port having a plurality of inlets (refilling hole portions 72), each of the inlets being in fluid communication with one of the printing fluid reservoirs only (col. 11, lines 27-34 and Fig. 4); such that,

each of a plurality of printing fluid reservoirs (storage chambers 68) can be individually refilled to replace printing fluid ejected by the printhead (col. 14, lines 9-17); wherein

during printing, the refill port is closed and disengaged from any source of refill printing fluid (col. 14, lines 25-36); and

Cruz-Uribe et al. disclose a flexible membrane (thin plastic membrane 11) that is used in a printing fluid reservoir (secondary reservoir 10 - Fig. 1), wherein the flexible membrane has an expanded configuration when printing fluid reservoir is full and a collapsed configuration when the printing fluid reservoir is depleted (col. 3, lines 38-41, 62-65).

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to utilize a refill port having a plurality of inlets, such as disclosed by Kobayashi et al., and to utilize a flexible membrane and corresponding level sensing mechanism on each printing fluid reservoir, such as disclosed by Cruz-Uribe et al., into the invention of Brugue et al. One motivation for utilizing the refill port, as taught by Kobayashi et al., is to provide an ink cartridge capable of refilled by genuine materials so that high quality printing operations can be carried out for a long time (col. 17, lines 7-16). One motivation for utilizing the flexible membrane, as taught by Cruz-Uribe et al., is to be able to maintain the proper level of ink within the printing fluid reservoirs (col. 2, lines 43-50).

Response to Arguments

Applicant's arguments with respect to claim 5 have been considered but are moot in view of the new ground(s) of rejection. Please see the above obviousness-type rejection based on the disclosures provided by Brugue et al., Kobayashi et al., and Cruz-Uribe et al. A logical

combination of these disclosures shows that it would have been obvious to provide printing fluid reservoirs that have a flexible membrane having an expanded configuration when the printing fluid reservoir is full, and a collapsed configuration when the printing fluid reservoir is ink depleted.

Communication with the USPTO

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelby Fidler whose telephone number is (571) 272-8455. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Luu can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shelby 2. Fidler 12/26/2007

Shelby Fidler
Patent Examiner
AU 2861

MATTHEW LUU
SUPERVISORY PATENT EXAMINER